

Attorney Docket No.:27056.2640
Customer No. 30734



PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
:
Matt Luntz, *et al.* :
: Group Art Unit: 3751
Serial No. 10/728,832 :
: Examiner: Unassigned
Filed: December 8, 2003 :

For: AUTOMATIC SHUTOFF REFUELING RECEIVER

PETITION TO REVIVE UNDER 37 C.F.R. 1.137(b)

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. 1.137(b), Applicants respectfully request that the Notice of Abandonment for the above-referenced application be withdrawn. Applicants submitted a Petition under 37 C.F.R. 1.47 (a) due to a non-signing inventor, Matt Luntz. This Petition was dismissed by the Office of Petitions for failing to comply with the requirements of 37 C.F.R. 1.47 (a). Within the allowed time frame, Applicants submitted a Request for Consideration on July 23, 2004. On May 19, 2006, the Office of Petitions granted the Petition. On May 18, 2006, the US Patent Office issued a Notice of Abandonment for failing to receive a reply to the Notice to File Missing Parts. In light of the pending Request for Consideration and the subsequent grant of this request, Applicants respectfully submit that the Notice of Abandonment was inadvertently mailed to the Applicants' representative and request that the abandonment be removed and the case be allowed to pass to substantive examination.

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Applicants respectfully submit that the Notice of Abandonment was incorrect and therefore Applicant is not responsible for the fees associated with this petition. However, Commissioner is hereby authorized to charge any additional costs to Deposit Account No. 50-2036 if the Applicants are in error.

Respectfully submitted,

BAKER & HOSTETLER LLP

A handwritten signature in black ink, appearing to read "Dennis P. Cawley".

Dennis P. Cawley
Registration No. 44,598

Washington Square, Suite 1100
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Washington, D.C. 20036
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Date: 6/9/2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/728,832	12/08/2003	Matt Luntz	27056.2640

CONFIRMATION NO. 9282
ABANDONMENT/TERMINATION
LETTER

BAKER & HOSTETLER LLP
 Washington Square, Suite 1100
 1050 Connecticut Avenue, N.W.
 WASHINGTON, DC 20036

Date Mailed: 05/18/2006

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 03/09/2004.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item (s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37

CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

*A copy of this notice **MUST** be returned with the reply.*

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Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382
PART 2 - COPY TO BE RETURNED WITH RESPONSE